

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1560 of 2001

New Delhi, this the 24th day of April, 2002

**HON'BLE MR. V. K. MAJOTRA, MEMBER (A)
HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)**

Shri R.K. Pahwa S/o Shri Hari Chand Pahwa
Retired Dy. Chief Postmaster Delhi GPO Delhi Circle,
R/o Delhi -110052 address for service of notice
C/o Shri Sant Lal Advocate C-21 (B) New Multan Nagar,
Delhi-110 056. . . Applicants

(By Advocate: Shri Sant Lal)

Versus

1. The Union of India through
the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhavan,
New Delhi-110 001.
2. The Chief Postmaster General, Delhi Circle,
Meghdoot Bhawan,
New Delhi-110 001.
3. The Director of Accounts (Postal)
Civil Lines,
Delhi-110 054.

-RESPONDENTS

(By Advocate: Shri Rajeev Bansal)

ORDER(OA)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant has filed this OA praying for the following reliefs:-

(i) To quash the impugned letters dated 18.8.99 and 27/30-4-2001 (Annexures A-1 and A-2).

(ii) To direct the respondents to rectify the pay of applicant in HSG-I and P.S. Group 'B' as per the options exercised by him in accordance with FR 22(1)(a)(i) as held by the Hon'ble Tribunal in the identical case of Shri A.N. Batra Vs. U.O.I. (OA



102.

759/99 decided on 29.9.2000).

(iii) To grant all consequential benefits of arrears of pay and allowances becoming due on account of refixation of pay as in item (2) above including refund of the amount already recovered.

2. The OA is being contested by the respondents.

3. We have heard Shri Sant Lal appearing for the applicant and Shri Rajeev Bansal appearing for the respondents.

4. The learned counsel appearing for the applicant submitted that earlier this court vide order dated 17.10.2000 in OA No. 1637/99 wherein identical relief was claimed, had allowed the OA and granted the following relief:-

"In view of the above, the impugned order is quashed and the OA is allowed. The respondents are directed to pay to the applicant the pay as per the option exercised by applicant in accordance with the rules. This may be done within a period of three months from the date of receipt of a copy of this order. No costs".

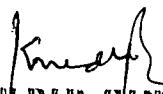
5. The counsel for the applicant further submitted that the applicant in the present case is also seeking the extension of the benefit of the same judgment and also submitted that the Government had filed a CWP before the Hon'ble Delhi High Court which was dismissed by the Hon'ble Delhi High Court. This fact is not disputed by the respondents. The respondents counsel

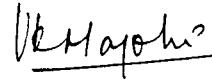
km

311

also agree that the facts of the present case are identical to the facts of OA 759/99. Keeping in view the circumstances, we feel that the judgment of a Co-ordinate Bench is binding on this Bench also, so we have no option but to follow the same.

6. Accordingly, we allow the OA and direct the respondents to give the benefit of the judgment in OA 759/99 to the present applicant also. These directions may be implemented within a period of 3 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(JUDL)


(V.K. MAJOTRA)
MEMBER (A)

Rakesh